

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in view of the following remarks is respectfully requested.

Claims 11-25 are currently active in this case. Claim 11 has been amended by the current amendment. See, by way of non-limiting example, page 44, lines 6-17 of the specification. No new matter has been added.

In the outstanding Office Action, Claims 11-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent Publication No. 09-030893 to Shinpei in view of U.S. Patent 6,902,623 to Gurary et al. and JP 03-038029 to Kubota; Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shinpei in view of Gurary et al., Shinpei, and U.S. Patent Publication No. 2001/0000098 to Fayfield; Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shinpei in view of Gurary et al. and U.S. Patent No. 5,164,012 to Hattori; Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent 5,884,009 to Okase in view of Gurary et al. and Kubota; Claims 19 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Okase in view of Gurary et al., Kubota, and U.S. Patent 6,113,984 to MacLeish; Claims 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Okase in view of Gurary et al., Kubota, MacLeish, and Callaghan; Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shinpei in view of Gurary et al., Kubota, and U.S. Patent No. 6,331,697 to Savas; and claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Shinpei in view of Gurary et al., Kubota, and U.S. Patent No. 6,372,048 to Futamura.

Briefly recapitulating, the present invention (Claim 11 as amended) is directed to a substrate processing apparatus including, among other things, a processing vessel; a heating element that heats a substrate introduced into a processing space to a predetermined temperature; a heater plate mounted on a top plate of a transparent case; and a holding

member for holding the substrate at a position spaced from and opposite to the heater plate. The heater plate *is mounted on an upper external surface of the transparent case and is* arranged to be slightly separated from the top plate. Because of the positional relationship between the heater plate and the holding member, the substrate can be prevented from warping. Further, even if warping does occur, the substrate can be prevented from contacting the heater plate. See page 25, lines 14-22, page 42, lines 20-29, and page 48, line 30 to page 49, line 4 of the Specification.

Because the heater plate is arranged to be slightly separated from the top plate, even when an internal pressure of the processing vessel changes, or when the heater plate is moved downward due to temperature change, the heater plate may be prevented from contacting with the top plate.

The official action acknowledges that Shinpei et al. and Gurary et al. do not teach a heater plate which is arranged to be slightly separated from a top plate. Applicants agree. Applicants further point out that Shinpei et al. and Gurary et al. fail to teach that the heater plate *is mounted on an upper external surface of the transparent case*. The official action asserts that Kubota et al. remedies the deficiencies of Shinpei et al. and Gurary et al.

In particular, the office action asserts that the susceptor plate 4 of Kubota et al. corresponds to Applicants' heater plate and the buffer plate 8 corresponds to Applicants' top plate. Applicants respectfully traverse. In contrast to the subject matter defined by claim 11, the susceptor plate 4 of Kubota et al. is not mounted on an upper surface of a transparent case. Rather, as illustrated in Figure 2 of Kubota et al., the susceptor plate 4 is the outer casing. Further, in Kubota et al., the buffer plate 8 does not form a part of the transparent case as required by claim 11 ("a transparent case ... including a top plate").

The Gurary et al. patent is relied upon in the Office Action for teaching a different feature and is not believed to remedy the deficiency of the Shinpei publication. Further, none of the other applied art is believed to remedy this deficiency.

Consequently, Shinpei is not believed to anticipate or render obvious the subject matter defined by Claim 11 when considered alone or in combination with the applied art of record.

Claims 12-25 depend from Claim 11 and are believed to be allowable for at least the same reasons that Claim 11 is believed to be allowable.

In view of the foregoing, no further issues are believed to remain. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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